

REMARKS

This amendment responds to the office action dated November 6, 2008.

The Examiner rejected claims 4 and 14 under 35 U.S.C. § 112, first paragraph, contending that the specification fails to disclose the limitation of removing blur from image portions outside of a depth of field of a lens that captured the image. This rejection is improper. The specification discloses that an image may be blurred due to a lens not being properly focused on a page of text. *See Specification at p. 7 lines 9-11* (indicating that blur may be corrected prior to image-capture by properly focusing the lens); *See also Specification at p. 9 line 7*. Blur resulting from an improperly-focused lens occurs, by definition, due to the image plane being outside the depth of field of the lens. The specification goes on to describe the claimed embodiment where correcting such blur is done by post-processing the captured image, rather than re-focusing the lens prior to image capture. *See Specification at p. 7 lines 7-13*. Therefore, the specification shows possession of the claimed step of correcting for image blur due to capturing an image of a surface outside the depth of field of a lens capturing the image. The applicant thus respectfully requests that the rejection of claims 4 and 14 under 35 U.S.C. § 112, first paragraph be withdrawn.

The Examiner rejected claims 6-10 and 16-20 under 35 U.S.C. § 112, first paragraph, contending that the limitations of taking a test image and a subsequent second image based on an analysis of the test image. This rejection is improper. The specification discloses an auto-zoom feature at p. 9 lines 1-7, in which a camera automatically zooms in to an appropriate scale. Such auto-zoom features must necessarily adjust the magnification factor of a lens by first analyzing an image projected on the sensor of the camera prior to a subsequent capture of a “final” image that is then analyzed to audibly recite the text of the image. The applicant therefore respectfully requests that the rejection of claims 6-10 and 16-20 under 35 U.S.C. § 112, first paragraph be withdrawn.

The Examiner rejected claims 1 and 2 under 35 U.S.C. § 102(e) as being anticipated by Myers et al., U.S. Patent No. 7,171,046. The Examiner’s rejection is improper as that reference fails to disclose *and enable* the limitation of “a fourth element capable of automatically

processing said captured image so as to correct, without user interaction, for image distortion resulting from capturing an image from a surface not parallel to that of an image sensor in said third element." The applicant notes that Myers discloses an allegation or assertion of software that provides such a correction, however, that reference goes on to say that the techniques by which this correction is accomplished is provided in another patent application which is only referenced by attorney docket number. The Examiner has neither cited this second reference in the rejection, nor provided the reference to the applicant. Therefore, the disclosure in Myers of a system that corrects for the type of image distortion claimed by the present applicant is simply an unsupported assertion; the reference incorporated into the disclosure of Myers may not in actuality disclose the claimed feature, and until it is found and cited, there is no evidence of this limitation being actually present in the cited prior art.

Nonetheless, on the assumption that the Examiner will be able to find the patent application cited in Myers, and that it does enable the feature claimed in Myers, the applicant has further amended claim 1 to recite the limitation of "a fourth element comprising an electronic storage storing software that processes an image captured by said third element to correct, without user interaction, for image distortion in a portion of said image resulting from capturing said image from a non-planar surface having at least a portion not parallel to that of an image sensor in said third element, where said processing separately processes individual portions of said text, so as to facilitate automated character recognition of text in a captured said image, and including the steps of: (i) converting said individual portions to grayscale; (ii) applying an edge detection filter to the grayscale-converted said individual portions; and (iii) thereafter individually rotating said individual portions to align with text respectively adjacent said individual portions." This limitation is not disclosed by the cited prior art, and the applicant therefore respectfully requests that the rejection of these claims be withdrawn.

The Examiner rejected each of dependent claims 3-10, independent claim 11, and dependent claims 12-20 under 35 U.S.C. § 103(a) as being obvious in view of respective combinations, each involving Myers. Independent claim 11 has been amended to include a limitation substantively equivalent to that quoted above with respect to independent claim 1. Each of the Examiner's rejections of claims, and each premised on the assumption that Myers

Appl. No. 10/676,273
Amdt. dated January 6, 2009
Reply to Office action of November 6, 2008

discloses all the limitations of claim 1, hence each of claims 3-20 are distinguished over the cited prior art for the same reasons as is claim 1.

The Examiner rejected each of claims 21-26 and 28-31 under 35 U.S.C. § 103(a) as being obvious over Nakamisha et al, U.S. Patent No. 6, 721,465 in view of Myers. Claims 21-26 have each been canceled. Independent claim 28 recites the limitation of “storage storing a *plurality* of templates *for identifying* the layout format of text in an image captured by said digital camera.” The Examiner alleges that this limitation is disclosed at col. 22 lines 49-60 and FIGS 36A-36D. The applicant respectfully posits that the Examiner is incorrect. This disclosure of Nakamisha merely discloses that a device may be programmed with software to segment different sections of a document in a *single* layout format *presumed* by the software. Nakamisha fails to disclose storing templates by which an applicable one may be recognized or identified from a captured image. Therefore, independent claim 28, as well as its dependent claims 29-31 each patentably distinguishes over the cited prior art, and the applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn.

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 1-20 and 28-34.

Respectfully submitted,

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Date



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